

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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**ALUTIIQ INTERNATIONAL SOLUTIONS,  
LLC,**

Plaintiff,

VS.

**OIC MARIANAS INSURANCE  
CORPORATION, et al.,**

## Defendants.

Case No. 2:10-cv-1189-JAD-VCF

## **ORDER**

## MOTION FOR DEFAULT JUDGMENT (#185)

This matter involves Alutiiq International Solution’s consolidated civil action under, *inter alia*, the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961, *et seq.* Before the court is Alutiiq’s Motion for Default Judgment (#185).

On May 19, 2015, the court (1) held a hearing on Alutiiq's Motion for Default Judgment, (2) advised Alutiiq that the court cannot enter default judgment against Ruth Lyon because she has appeared and defended and the Clerk of Court has not entered default against her, and (3) stated that a prove-up hearing may be required. (Mins. Proceedings #195); *see also* (Order #194 at 1) ("If . . . the court determines that additional evidence is needed to decide Plaintiff's Motion for Entry of Default Judgment . . . an evidentiary hearing will be scheduled for a future date.").

Having reviewed the parties' arguments and governing law, the court finds that a prove-up hearing is required. Federal Rule of Civil Procedure 55 governs default judgment. It states that “[t]he court may conduct hearings . . . when, to enter or effectuate judgment, it needs to . . . determine the amount of damages. FED. R. CIV. P. 55(b)(2)(B). “The general rule of law is that upon default the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true.” (citations omitted).

*TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987) (quoting *Geddes v. United Financial Group*, 559 F.2d 557, 560 (9th Cir. 1977)).

Alutiiq’s Motion for Default Judgment did not provide any information other than the complaint’s allegations regarding damages.<sup>1</sup> This is insufficient and requires a prove-up hearing. During the hearing, Alutiiq is also directed to address its position with regard to Ruth Lyon.

ACCORDINGLY, and for good cause shown,

IT IS ORDERED that a hearing is set in the matter for July 7, 2015, at 10:30 a.m., in courtroom 3D.

IT IS SO ORDERED.

DATED this 11th day of June, 2015.

*Carl Babb*

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CAM FERENBACH  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> Alutiiq's motion only contained affidavits and bills of costs in connection with attorney's fees.